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13 CV 0211

ATTORNEYS FOR PLAINTIFF
SEA LION MARINE LTD,

SEA LION MARINE LTD,

Plaintiff,

-against-

SVITZER OCEAN TOWAGE B V

Defendant

JAN 09 2013

Civil Action No _____

VERIFIED COMPLAINT

Plaintiff, Sea Lion Marine Ltd ("Sea Lion" or "Plaintiff") submits this verified complaint against Svitzer Ocean Towage B.V. ("Svitzer" or "Defendant"), a foreign corporation, and alleges as follows:

THE PARTIES, JURISDICTION, AND VENUE

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and falls under this Court's admiralty and maritime jurisdiction pursuant to 28 U.S.C. § 1333

2. Sea Lion brings this action to obtain security for a maritime claim pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Rule B"), seeking an order and writ of attachment over bank accounts of Defendant beneficially maintained at garnishee financial institutions within the District.

3. At all times relevant hereto, Sea Lion Marine Ltd is and was a foreign business entity organized under the laws of a foreign state. Sea Lion Marine Ltd has its corporate address at The Financial Services Centre, Paul's Avenue, Kingstown, St Vincent and the Grenadines.

4. At all times relevant hereto, Svitzer is and was a foreign business entity organized under the laws of the Netherlands. Svitzer maintains a business address at Jupiterstaat 33, 2132HC Hoofddorp, Netherlands.

5. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1333 because this action arises from a maritime contract, i.e., an executed towage contract for the employment of a vessel.

6. On 7 May, 2012, Sea Lion and Svitzer executed a towage contract on the "Towcon" form for the towage of the tanker vessel "Taka" by the Svitzer supplied ocean tug "De Da." The towage contract is governed by English law.

7. Svitzer failed to perform the required services under the towage agreement and as a result Plaintiff suffered significant damages in an amount presently calculated to be \$6,910,259.40, including:

a. End Buyer Claim	\$5,328,032.13
b. Agents DA and Charges	\$1,023,833.82
c. Superintendent and Inspector	\$28,116.00

d. Crew	\$266,000.00
e. Crew Insurance	\$25,000.00
f. Managers Fee	\$15,000.00
g. Tow Insurance	\$81,777.45
h. Legal Costs and Fees	\$80,000.00
i. Communication	\$7,500.00
j. Administration	\$55,000.00
TOTAL	\$6,910,259.40

8. On or about June 21, 2012, ocean tug De Da was arrested in Bangladesh to secure partial security for claims arising from Svitzer's breach of the towing agreement. In exchange for a corporate guaranty given by Svitzer and secured by several Svitzer vessels the arrest action was withdrawn.

9. Attached to the guarantee are descriptions of the three principal assets of Svitzer - namely three ocean tugs.

10. Upon information and belief, the tugs are valued at approximately \$1.25 million, \$1.475 million, and \$3.25 million, respectively. Collectively their value was at the time of the arrest of the tug "De Da" and at the time of the corporate guaranty given by Svitzer sufficient to cover any claims by Sea Lion arising from Sviter's breach of the towage agreement.

11. However, defendant Svitzer, despite pledging these vessels as security for Sea Lion's claims have sold or is about to sell such vessels thereby decreasing the security available to satisfy Sea Lion's claim.

Application for Issuance of a Rule B Attachment

12. Sea Lion seeks to attach Svitzer's bank account funds or funds held for the benefit of Svitzer presently located in this District.

13. Svitzer is not found within the Southern District of New York within the meaning of Rule B of the Supplemental Rules for Admiralty Claims of the Federal Rules of Civil Procedure.

14. Svitzer maintains a U.S. dollar bank account at ING Bank N.V.

15. Upon information and belief the credits associated with U.S. dollar accounts nominally located abroad are in fact stored in Correspondent Bank accounts in New York.

16. Specifically, Svitzer's U.S. dollar bank account at ING Bank N.V. is located within the district because, among other reasons, it is a subaccount maintained by either Standard Chartered Bank, JP Morgan Chase Bank, Citibank, N.A., The Bank of New York Mellon, and Wells Fargo Bank N.A., all located in New York, New York. Each of these banks solely or and collectively act as ING Bank N.V.'s Correspondent Bank for the purpose of processing U.S. dollar transactions for ING Bank N.V. A print out of the correspondent banks with which ING hold accounts in U.S. dollars is attached hereto as Exhibit 1.

17. Upon information and belief U.S. dollar funds from the sale of the Svitzer vessels has or will be deposited into this ING Bank N.V. account.

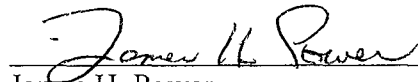
18. Sea Lion seeks issuance of an order from this Court directing the Clerk of the Court to issue a process of maritime attachment and garnishment pursuant to Rule B, attaching the funds for the purpose of securing Sea Lion's claims as described herein.

PRAYER FOR RELIEF

WHEREFORE, Sea Lion prays as follows:

1. That a summons with process of attachment and garnishment may issue against Defendant Svitzer Ocean Towage B.V., and that if it cannot be found, that its debts, effects, monies, funds, credits and its accounts or account for its benefit within the district may be attached in an amount sufficient to answer Sea Lion Marine Ltd's claims;
2. That Defendant Svitzer Ocean Towage, and any other person claiming an interest therein, may be cited to appear in the matters aforesaid and that judgment be entered against Svitzer and in favor of Sea Lion in an amount to be determined at trial, but not less than \$6,910,259.40;
3. That this Court retain jurisdiction over this matter through the entry of any judgment or award associated with any of the claims currently pending, or which may be initiated in the future, including any appeals thereof; and,
4. That this Court grant Sea Lion such other and further relief which it may deem just and proper.

Respectfully submitted,



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VERIFICATION

STATE OF NEW YORK)

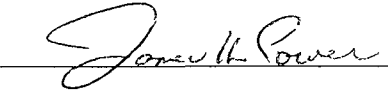
:ss.:

COUNTY OF NEW YORK)

I, James H. Power, a Partner at Holland & Knight LLP, verify that I have read the foregoing Verified Complaint and know the contents thereof, and the same are true and correct to the best of my knowledge. I make this declaration on behalf of, and with the authorization of, Sea Lion Marine Ltd because Sea Lion Ltd is a foreign corporation, having no officer or director within this District.

I verify under penalty of perjury that the foregoing is true and correct.

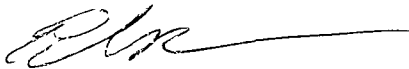
Dated: January 8, 2012



James H. Power

[Notary Public]

*Sworn To before me
on 8th day of Jan. 2012*



Elvin Ramos
Notary Public, State of New York
NO. 01 RA-87-02-3
Qualified in Queens County
Certificate filed in New York County
Commission Expires September 2, 2014

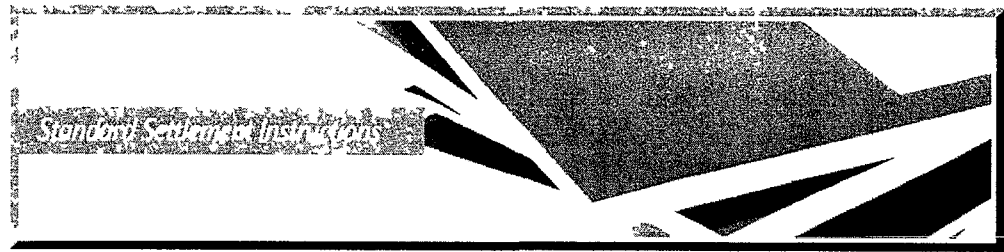
EXHIBIT 1

ING BANK

Internet Banking

Corporate Banking

For Your Company
Corporate Banking
SME Banking
Wealth Management



Standard Settlement Instructions for Correspondent Banks

AUSTRALIA
CURRENCY: AUD CORRESPONDENT BANK: Australia and New Zealand ACCOUNT NO: 620501011

BELGIUM
CURRENCY: EUR CORRESPONDENT BANK: Belgium ACCOUNT NO: 11111

BRITAIN
CURRENCY: GBP CORRESPONDENT BANK: Britain ACCOUNT NO: 11111

GERMANY
CURRENCY: EUR CORRESPONDENT BANK: Germany ACCOUNT NO: 11111

FRANCE
CURRENCY: EUR CORRESPONDENT BANK: France ACCOUNT NO: 11111

GERMANY
CURRENCY: EUR CORRESPONDENT BANK: Germany ACCOUNT NO: 11111
UP: 11111
TURK: 11111
ITALY: 11111
RUS: 11111

HUNGARY
CURRENCY: EUR CORRESPONDENT BANK: Hungary ACCOUNT NO: 11111

JAPAN

COUNTRY	CORRESPONDENT BANK	ACCOUNT NO
ISRAEL	SAUDI ARABIAN BANK	5740
JORDAN	SAUDI ARABIAN BANK	5741/83
KUWAIT		
CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
KWD	SAUDI ARABIAN BANK	40401
NORWAY		
CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
NOK	NORWEGIAN BANK	002127200
POLAND		
CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
PLN	POLISH BANK	100100100100100
RUSSIA		
CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
RUB	RUSSIAN BANK	100100100100100
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SAUDI ARABIAN BANK	SAUDI ARABIAN BANK	5740
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CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
SEK	SWEDISH BANK	5740
SWITZERLAND		
CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
CHF	SWISS BANK	5740
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CURRENCY	CORRESPONDENT BANK	ACCOUNT NO
GBP	BRITISH BANK	5740
USA		
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